

**FILED**

FEB 14 2017

PATRICK KEANEY  
Clerk, U.S. District Court  
Deputy Clerk

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

*Plaintiff,*

v.

BILLY HERSHELL SMITH II,

*Defendant.*

SEALED

CASE NO.

**CR 17-012-RAW**

INDICTMENT

The Federal Grand Jury charges:

COUNT ONE

**SEXUAL EXPLOITATION OF CHILDREN**  
[18 U.S.C. § 2251(a)]

Between a date uncertain in 2014 to on or about August 15, 2016, in the Eastern District of Oklahoma and elsewhere, the defendant, **BILLY HERSHELL SMITH II**, employed, used, persuaded, induced, enticed, and coerced V.C., a person under the age of eighteen years, to engage in sexually explicit conduct, as that term is defined in Title 18, United States Code, Sections 2256(2)(A)-(B), for the purpose of producing any visual depiction of such conduct, and the defendant, **BILLY HERSHELL SMITH II** knew and had reason to know such visual depiction would be transported in interstate commerce, and any such visual depiction was produced using materials that have been mailed, shipped, and transported in interstate and foreign commerce, and any such visual depiction had actually been transported in interstate commerce, in violation of Title 18, United States Code, Section 2251(a).

**COUNT TWO**

**POSSESSION OF CERTAIN MATERIAL  
INVOLVING THE SEXUAL EXPLOITATION OF MINORS  
[18 U.S.C. §§ 2252(a)(4)(B) & 2252(b)(2)]**

From on or about July 23, 2015, to on or about August 15, 2016, in the Eastern District of Oklahoma and elsewhere, the defendant, **BILLY HERSHELL SMITH II**, did knowingly possess, attempt to possess and access with intent to view matters which contained visual depictions, as that term is defined in Title 18, United States Code, Section 2256(5), the production of said visual depictions involved the use of minors engaging in sexually explicit conduct, as that term is defined in Title 18, United States Code, Sections 2256(2)(A)-(B), and said visual depictions were of such sexually explicit conduct and had been transported in interstate commerce by computer, in violation of Title 18, United States Code, Sections 2252(a)(4)(B) and 2252(b)(2).

**CRIMINAL FORFEITURE ALLEGATION  
[18 U.S.C. § 2253 & 28 U.S.C. § 2461(c)]**

Upon conviction of Sexual Exploitation of Children and/or Possession of Certain Material Involving the Sexual Exploitation of Minors, as alleged in Counts One and/or Two above, the defendant, **BILLY HERSHELL SMITH II**, shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 2253, and Title 28, United States Code, Section 2461(c):

- a. Any visual depiction described in Title 18, United States Code, Sections 2251, 2251A, or 2252, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of Title 18, United States Code, Chapter 110;
- b. Any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from the offenses; and


c. Any property, real or personal, used or intended to be used to commit or to promote the commission of the offenses.

The property to be forfeited includes, but is not limited to, the following:

- Samsung cell phone, model: SCH-I535, IMEI (serial number): 9900 0439 0633 901;
- Cellular Phone: Samsung Model SCHI535;
- Black Toshiba laptop computer, model: Satellite C55-A5220, serial number 6D262432Q;
- Motorola cell phone, model: Droid Turbo, serial number: ZX1F249G6D; and
- Asus tablet computer, silver, unknown model/serial number.

MARK F. GREEN  
United States Attorney

A TRUE BILL:

  
D. EDWARD SNOW, OBA #16439  
Assistant United States Attorney

Pursuant to the E-Government Act,  
the original indictment has been filed  
under seal in the Clerk's Office.

s / Foreperson  
FOREPERSON OF THE GRAND JURY